Remarks/Arguments

Claims 1-17 are pending in this application and are rejected in the Office Action of November 20, 2006. Claims 1, 7, 9 and 12-14 are amended herein to correct spelling mistakes, remove redundant language and generally clarify the subject matter which the Applicants regard as their invention. Applicants submit that these amendments are formal in nature and not essential for the patentability of the claims over the cited references.

Rejection of Claims 1-17 for Obviousness-Type Double Patenting

Claims 1-17 have been rejected under the judicially created doctrine of obviousness-type double patenting based on claims 1-3, 6, 8 and 11 of U.S. Patent No. 6,665,020 issued to Stahl et al. in view of U.S. Patent No. 6,421,069 issued to Ludtke et al. (hereinafter, "Ludtke") and further in view of U.S. Patent No. 6,370,322 issued to Horiguchi et al. (hereinafter, "Horiguchi"). Applicants respectfully traverse this rejection in view of the accompanying terminal disclaimer related to U.S. Patent No. 6,665,020, which is owned by the assignee of the instant application. In view of the terminal disclaimer, Applicants respectfully request withdrawal of the rejection.

Rejection of Claims 1-9 and 11-17 under 35 U.S.C. §103(a)

Claims 1-9 and 11-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Ludtke in view of Horiguchi. Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that a notable feature of the present invention is that data representative of a display menu associated with a peripheral device, which **menu is overlaid onto video content on a display device** and utilized by a user to interactively control the peripheral device, is generated by the peripheral device and transferred to the display device separately from the video content. This differs from the traditional approach wherein the menu display is combined with the video content in the peripheral device, and the composite image is then transferred to the display device. However, using the traditional approach in a digital environment would require an additional encoder in the peripheral device to

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encode the combined image. The approach according the present invention transmits the menu data and the video content as separate data thereby obviating the need for an encoder in the peripheral device and reducing the cost and complexity of the device. In that regard, independent claims 1, 7, 9, 12, 13, and 14 recite video data representative of **an on-screen display menu that is overlaid onto the digital video content** prior to being displayed on the display device, and transferring the video data representative of the on-screen display menu and the digital video content as separate data via the digital bus. Applicants submit that the combination of Ludtke and Horiguchi fail to teach or suggest this feature.

Ludtke discloses a system wherein various peripheral devices connected to a network provide self-describing information that is used to generate a graphical user interface through which the user can control the operation of the devices. In particular, the graphical user interface displays icons that represent the various devices available within the network and the actual topology of the connections (See Fig. 5, column 9, lines 14-17). Further, within the graphical user interface, there is provided a stream window that shows the available controls associated with a selected device (see Figs. 6-9, column 9, lines 37-52). An example wherein a video stream is transferred from a source device to a display device is shown in Fig. 8. In this embodiment, the video stream being transmitted from a video camera is displayed on a television.

The self-describing information according to Ludtke is used to provide a graphically oriented interface through which the user can direct a device to transmit video data to another device, or to receive and display video data from another device. However, according to the teachings of Ludtke, graphical image data associated with the graphical user interface **is not overlaid onto the video data** prior to being displayed, as recited by independent claims 1, 7, 9, 12, 13, and 14. For example, with the embodiment using the television, nowhere does Ludtke teach or suggest, *inter alia*, that the graphical data is transferred from the video camera and that the graphical data is overlaid onto the video content prior to display on the television. Rather, in the Figures and descriptions of Ludtke, the

video is shown on a window of the display, but the graphical data is not overlaid onto the video shown on the window.

Horiguchi is unable to remedy the deficiencies of Ludtke pointed out above. In particular, Horiguchi is cited for allegedly teaching the use of isochronous and asynchronous transfer mechanisms for transferring video content and data (see page 16 of Office Action dated November 20, 2006). Like Ludtke, Horiguchi also fails to teach or suggest, *inter alia*, video data representative of **an on-screen display menu that is overlaid onto the digital video content** prior to being displayed on the display device. Therefore, Applicants submit that Ludtke and Horiguchi, singly and in combination, fail to teach or suggest a notable feature of independent claims 1, 7, 9 and 12-14, and their respective dependent claims. Accordingly, withdrawal of the rejection is respectfully requested.

Rejection of Claim 10 under 35 U.S.C. §103(a)

Claim 10 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Ludtke in view of Horiguchi, and further in view of P1394 Draft 8.0v2. Applicants respectfully traverse this rejection since the P1394 Draft 8.0v2 is unable to remedy the deficiencies of Ludtke and Horiguchi pointed out above with reference to claims 1-9 and 11-17. In particular, P1394 Draft 8.0v2 is cited for allegedly disclosing a function control protocol in which a peripheral device transmits a control command and response by asynchronous packet for each asynchronous operation (see page 27 of Office Action dated November 20, 2006). However, even assuming P1394 Draft 8.0v2 provides the alleged teachings, like Ludtke and Horiguchi, P1394 Draft 8.0v2 also fails to teach or suggest, *inter alia*, video data representative of **an on-screen display menu that is overlaid onto the digital video content** prior to being displayed on the display device. Accordingly, claim 10 is patentably distinguishable over the combination of Ludtke, Horiguchi and P1394 Draft 8.0v2, and withdrawal of the rejection is respectfully requested.

Conclusion

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks/arguments, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Respectfully submitted,
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Date: April 5, 2007

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Karen Seulaud

Date